In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 17803 of 2006

Date of Decision: 04.12.2006

Smt. Usha Rani

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Vinod S. Bhardwaj, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

It is admitted position that husband of the petitioner had expired while in service as Patwari on 30.9.1988. Her both the daughters were minor at that time. When one of the daughters of the petitioner, namely, Prabha Khurana, attained the age of majority and acquired qualification of Higher Secondary, the petitioner approached the respondents for giving her appointment on compassionate grounds. The request of the petitioner was forwarded by the office of the Deputy Commissioner, Fatehabad, to the Director Land Records, Haryana, Chandigarh on 31.12.2002. However, vide letter dated 21.2.2003, the Director, Land Records, Haryana, informed the Deputy Commissioner, Fatehabad, that the case of the petitioner's daughter is

not covered under the instructions dated 19.11.2001 and she could not be granted compassionate appointment (P-1). The aforementioned decision has been communicated to the petitioner by the Deputy Commissioner vide letter dated 6.6.2006 (P-2). The aforementioned orders/letters dated 21.2.2003 and 6.6.2006 (P-1 & P-2) are the subject matter of challenge in the instant petition.

After hearing learned counsel for the petitioner we are of the considered view that there is no merit in the instant petition and the same is liable to be dismissed. It is well settled that the compassionate appointment is not a mode of entry into service but it is only to help the surviving members of the family to overcome sudden financial crises created by the death of bread winner of the family, as has been held by Hon'ble the Supreme Court in the cases of **Hindustan Aeronautics Ltd. v. A. Radhika Thirumalai, (1996) 3 SCC 394** and **National Hydro Electric Power Corpn. v. Nanak Chand, (2004) 12 SCC 487**. After such a huge delay of more than 18 years, it cannot be concluded that the situation created by the death of husband of the petitioner is continuing. There is no ground to issue direction to the respondents for giving compassionate appointment to the petitioner or her daughter.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

December 4, 2006
JUDGE

Pkapoor